FARAD CONTINUATION SHEET NO
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

LETTERS PATENT APPEAL NO. 66 OF 1995

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Shri. V. B. Naik i/by Ms. S.M.Dandekar for the Appellants.

Mr. R. D'souza and Mr.Rodrigues i/by Mr.B.V.Phadnis for the Respondents.

CORAM : S.B. MHASE &
R.S. MOHITE, JJ.
DATED : 16.09.2004.
.....

P.C.

1. Heard Mr. Naik for the Appellants.

2. The appellants have filed this appeal against the order dismissing Writ Petition No.171 of 1995 passed by the single Judge of this Court. The appellants had approached the Rent Tribunal for permission to repair the premises let out to them under Section 33 of the Goa, Daman and Diu Buildings, (Lease, Rent and Eviction) Control Act, 1968,. However, during the pendency of the said application, Madgao Municipal

Council within which limits the premises in dispute were located had demolished the building. Since the structure of which the tenantable repairs were sought is not in existence as on today, Mr. Naik, learned counsel for the appellants makes a statement that the matter is infructuous. He however, prayed that the liberty may be given to the appellants to claim the appropriate relief as against the premises as and when the occasion arise. The other side has no objection for making such observations provided the remedy is available to the appellants. In view of the above submissions made by both the counsel, we disposed of this L.P.A. as infructuous with liberty to the appellants to prosecute the remedy as and when the occasion arise if permissible under the law.

. C.C. expedited.

(R.S.MOHITE, J.) **(S.B. MHASE, J.)**